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APPENDIX A

Marked Up Version of the Amended Claims

U.S. Patent Application Serial No. 09/578,827

Matter that has been deleted from the claims is indicated by brackets and matter that has been added to the claims is indicated by underlining.

22 (once amended). A transgenic plant [containing] comprising a transgene encoding a heterologous gene of interest operatively associated with a SHORT-ROOT promoter, said promoter consisting essentially of a nucleic acid sequence of SEQ ID NO:4, so that the gene of interest is expressed in a tissue-specific manner in roots or embryos.

23 (once amended). The transgenic plant of Claim [21] 22, in which the gene of interest encodes a gene product that confers herbicide, salt, pathogen, or insect resistance.

24 (once amended). A transgenic plant [containing] comprising a transgene encoding a heterologous gene of interest operatively associated with a SHORT-ROOT promoter, said promoter consisting essentially of a nucleic acid sequence of SEQ ID NO:4, so that the gene of interest is expressed in shoots.

31 (once amended). An isolated nucleic acid molecule [comprising] consisting essentially of a nucleic acid sequence of SEQ ID NO:4.

32 (once amended). An isolated nucleic acid molecule comprising a nucleic acid sequence which hybridizes over its full length under high stringency conditions to [the] a SHORT-ROOT promoter, which [comprises] promoter consists essentially of the nucleic acid sequence of SEQ ID NO:4 and promotes stele-specific expression in root, and wherein the high stringency conditions comprise washing in a solution composed of 2X SSC, 0.01% PVP, 0.01% Ficoll, and 0.01% BSA at 68°C.

33 (once amended). An isolated nucleic acid molecule comprising a nucleic acid sequence which hybridizes over its full length under high stringency conditions to [the] a

SHORT-ROOT promoter, which [comprises] promoter consists essentially of the nucleic acid sequence of SEQ ID NO:4 and promotes stele-specific expression in hypocotyl, and wherein the high stringency conditions comprise washing in a solution composed of 2X SSC, 0.01% PVP, 0.01% Ficoll, and 0.01% BSA at 68°C.